

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

UNITED STATES EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

v.

SOFTWARE PEOPLE, INC.,

Defendant.

Civil Action No.: 2:21-cv-5380-JS-  
JMW

**FILED  
CLERK**

3:49 pm, Apr 08, 2022

**U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE**

**CONSENT DECREE**

Plaintiff United States Equal Employment Opportunity Commission (“EEOC”) filed this action alleging that Software People, Inc. (“Defendant” or “Software People”) violated the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.*, as amended, 29 U.S.C. § 626 *et seq.* (the “ADEA”) when it allegedly retaliated against Timothy Mailloux (“Mailloux”) by refusing to refer his application for a desktop support position to a client employer after Mailloux objected to and opposed a hiring practice that he believed was illegal under the ADEA.

The EEOC and Defendant have agreed that this action should be resolved by entry of this Consent Decree, and therefore do hereby stipulate and consent to the entry of this Decree as final and binding on the parties, including Defendant’s successors, assigns, subsidiaries, and any other entity with which Defendant may merge or consolidate. The parties have agreed that this Decree may be entered into without findings of fact and conclusions of law having been made and entered by the Court. The aggrieved individual, Mailloux, is not interested in accepting and will not receive any monetary relief that the EEOC could recover on his behalf. In consideration of the mutual promises and agreements contained in this Decree, the sufficiency of which is hereby acknowledged, the parties agree as follows, the Court finds appropriate, and it is therefore

**ORDERED, ADJUDGED AND DECREED** that:

**GENERAL PROVISIONS**

1. This Decree is final and binding on the parties and resolves all claims asserted in the Complaint filed in this action arising from Charge Nos. 525-2018-00388 and 520-2018-01618. This Decree does not resolve any other claim or charge of discrimination pending before the EEOC, or any charge that may be filed in the future.

2. The parties agree and the Court finds that this Court has jurisdiction of the subject matter of this action and of the parties, that venue is proper, and that all administrative prerequisites have been met.

3. By mutual consent of the parties, this Decree may be amended in the interests of justice and fairness and to facilitate execution of this Decree's provisions. No waiver, modification, or amendment of any provision of this Decree will be effective unless made in writing, approved by all parties to this Decree, and approved or ordered by the Court.

4. Whenever Defendant is required to send documents, reports, forms, or other materials to the EEOC pursuant to this Decree, Defendant shall send such matters by electronic mail to Edumin Corrales at [edumin.corrales@eeoc.gov](mailto:edumin.corrales@eeoc.gov) and "Consent Decree Monitor" at [decreemonitor.nydo@eeoc.gov](mailto:decreemonitor.nydo@eeoc.gov).

**INJUNCTIVE RELIEF**

5. Defendant and its managers, officers, employees and agents are enjoined from engaging in discrimination on the basis of age against any employee or applicant in any phase of employment recruitment, hiring, job placement or assignment.

6. Defendant and its managers, officers, employees and agents are enjoined from requesting dates of births, completion dates of education, or any other question designed to

determine the age of applicants for the purpose of determining if that individual is qualified to be considered, hired, referred, or placed for any position.

7. Defendant and its managers, officers, employees and agents are enjoined from issuing any communication or job posting, including e-mails, which indicate a preference for a particular age group, or which contains language that may deter those from a particular age group from applying for a position.

8. Defendant, its managers, officers, employees and agents are hereby enjoined from retaliating against any applicant or employee, including but not limited to, any applicant or employee who complains of discrimination by Defendant or by one of Defendant's clients, who opposes practices he or she considers to be unlawfully discriminatory, who participates in protected activity, and/or who provides information related to complaints of discrimination.

**ADOPTION, POSTING, AND DISTRIBUTION OF POLICY PROHIBITING  
EMPLOMENT DISCRIMINATION**

9. Within thirty (30) days of the entry of this Decree, Defendant distribute a copy of its Anti-Discrimination Policy, which is attached hereto as **Exhibit A**, to all employees and any individual who participates in recruiting activities and/or in the hiring process which sets forth Defendant's commitment to equal opportunity in all aspects of employment and, at a minimum, contains the following:

- a. a detailed explanation of the prohibition against age discrimination and retaliation;
- b. the assurance that Defendant will not retaliate against employees or applicants who complain of discrimination, who oppose practices they consider to be unlawfully discriminatory, and/or who participate in protected activity or who provide information related to complaints of discrimination;
- c. a clearly described complaint process that provides accessible avenues of complaint



with a number of choices of individuals to whom complaints can be made, including persons outside the employee's chain of command and the Equal Employment Opportunity Coordinator;

- d. the assurance that Defendant will accept any and all complaints from employees who wish to file complaints internally;
- e. the assurance that the filing of anonymous complaints is permitted and include safeguards to preserve the anonymity when requested by a complainant;
- f. the assurance that Defendant will keep confidential to the extent possible and not publicize unnecessarily the subject matter of the complaints or the identity of the complainants;
- g. a process that provides a prompt, thorough, and effective investigation, including interviewing complainants and all witnesses and obtaining and reviewing all material documents identified by the complainant or respondent to the extent necessary to reach a reasonable conclusion concerning the allegations;
- h. a requirement that all aspects of an investigation be thoroughly documented in written form;
- i. assurance that upon completion of an investigation into a discrimination complaint, the complainant and the respondent will promptly receive a summary of the conclusions reached as a result of the investigation;
- j. the assurance that Defendant will take prompt and appropriate corrective action when it determines that discrimination has occurred; and
- k. an explanation of employees' rights to be free from age discrimination under the Age Discrimination in Employment Act ("ADEA").

10. Within thirty (30) days of the Effective Date, Defendant will make its Anti-Discrimination Policy available on its company website in a place and form that is readily accessible to all employees, applicants and/or potential candidates for positions for which Software People is recruiting.

11. References to the Anti-Discrimination Policy in this Decree is not a representation by EEOC that Defendant has been or currently is in compliance with federal anti-discrimination laws.

12. Defendant shall redistribute the Anti-Discrimination Policy to all employees and any individual who participates in recruiting activities annually on the anniversary date of the entry of this Decree.

13. If any employee or individual who participates in recruiting activities is unable to completely understand the Anti-Discrimination Policy as written in English, or employees or individuals participating in recruiting activities do not speak English as a primary language, the policy must be translated into the primary language of those individuals.

14. Within seven (7) days of the entry of this Decree, Defendant will post a copy of the Anti-Discrimination Policy, "Notice of Lawsuit and Settlement," attached as **Exhibit B**, and an EEO poster at its principal place of business where recruiters perform work for Defendant and/or where applicants or candidates frequent. The Anti-Discrimination Policy, Notice of Lawsuit and Settlement, and EEO poster shall be posted in at least one place that is visually accessible to and commonly frequented and/or typically used by Defendant for posting notices directed to employees, job applicants or candidates.

15. Within seven (7) days of the entry of this Decree, Defendant shall include, in every e-mail sent for business purposes by or on behalf of Software People (including any individual

who participates in any way in recruiting activities on behalf of Software People), the following statement:

“Software People, Inc. is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex (including pregnancy, gender identity and/or transgender status, and sexual orientation), national origin, age, disability, genetic information, or against persons who oppose discriminatory hiring practices.”

### **RECORDKEEPING AND REPORTING**

16. During the term of this Decree, Defendant shall maintain and make available for inspection and copying by the EEOC written records of every complaint or report (oral or written, formal or informal, internal or external) by any employee or individual whom uses Defendant’s recruitment services relating to employment discrimination or retaliation prohibited by this Decree. For each such complaint or report, such records shall include: (a) the name of the employee who made the complaint or report and that employee’s address and telephone number; (b) the date of the complaint or report; (c) a written description of what was alleged in the complaint or report; (d) a written description of the resolution or outcome of the complaint or report, including a description of what actions, if any, Defendant took; and (e) if the complaint or report was made in written form, a copy thereof.

17. Defendant shall require personnel within its employ, upon request by the EEOC, to cooperate reasonably with and to be interviewed by the EEOC for purposes of verifying compliance with this Decree. Defendant shall permit a representative of the EEOC to enter Defendant’s premises on two business days’ notice, during normal business hours, for purposes of inspecting any relevant documents or records or otherwise verifying compliance with this Decree. provided, however, that the EEOC may enter Defendant’s premises without advance notice, during normal business hours, for the purpose of verifying compliance with the notice posting



requirements of Paragraph 14.

18. Defendant shall furnish to the EEOC the following written reports semi-annually (“Semi-Annual Report”) during the term of this Decree. The first Semi-Annual Report shall be due six (6) months after entry of the Decree. Subsequent Semi-Annual Reports shall be due every six (6) months thereafter, except that the final Semi-Annual Report shall be due thirty (30) calendar days prior to the expiration of the Decree. Each such Semi-Annual Report shall contain:

- a. Copies of all records described in Paragraph 16 above, for the six (6) month period preceding the Semi-Annual Report or a certification by Defendant’s Chief Executive Officer that no complaints or reports of discrimination were received during that period; and
- b. A certification by Defendant’s Chief Executive Officer that the Notice required to be posted pursuant to Paragraph 14 of the Decree remained posted in the manner required during the entire six (6) month period preceding the Semi-Annual Report.

### **TRAINING**

19. The training required by this Decree must be provided in addition to and may not be combined with any training required by New York State law.

20. Within sixty (60) days of the entry of this Decree, and annually thereafter, Defendant will provide all individuals who participate in recruiting activities (regardless of geographic location), including but not limited to recruiters and those who supervise the recruiters, with one-and-a-half (1.5) hours of live training on federal laws prohibiting discrimination in employment, with a special emphasis on laws prohibiting discrimination on the basis of age under the ADEA during the hiring and recruitment process, as well as training on Defendant’s Anti-Discrimination Policy and rights of applicants and employees to engage in protected activity free

from retaliation. These trainings may be conducted online; however, they must be held live and participants must be given the opportunity to ask questions. A senior member of management will be present to introduce the trainer and state management's commitment to the goals of the training.

21. Within sixty (60) days of the entry of this Decree, and annually thereafter, Defendant will provide all non-management and non-supervisory employees with one-and-a-half (1.5) hours live training on federal laws prohibiting discrimination in employment, with an emphasis on laws prohibiting discrimination on the basis of age, as well as training on Defendant's Anti-Discrimination Policy, the procedure for making employee complaints, and the rights of employees and applicants to engage in protected activity free from retaliation.

22. Newly hired employees will be given the training within ninety (90) business days after starting in the position.

23. The training for all employees and all individuals who participate in recruiting activities shall include in-depth coverage and discussion of:

- a. the types of questions that recruiters, or others engaged in the hiring process, are prohibited from asking under federal anti-discrimination laws;
- b. questions that may not be asked as a way of approximating an applicant's age;
- c. ways to ensure age (or any protected classification) is not a factor in the decision to recruit and/or hire;
- d. the company's anti-discrimination policy;
- e. the responsibility to report discrimination;
- f. how to report discrimination internally;
- g. Software People's responsibility under the law to remedy the discrimination;
- h. how Software People can be held liable for recruiters' actions under the law; and



- i. possible legal consequences to Software People if they are found to discriminate against employees or in the hiring and/or recruitment process

24. Defendant shall obtain the EEOC's agreement to the content the trainer proposes before the commencement of any training session required under Paragraphs 20 and 21 above. The trainer shall not be Defendant or any of its owners, officers, or management employees. The trainer shall be a Subject Matter Expert and have experience in the area of equal opportunity employment. Defendant shall submit the name, address, telephone number, resume and training proposal of its proposed trainer (including copies of all materials the trainer proposes to display, distribute, or otherwise present) to the EEOC at least thirty (30) days prior to the proposed date of each training session. The EEOC shall have fourteen (14) days from the date it receives the information described above to agree to or reject the proposed trainer and/or the content the trainer proposes to present. In the event the EEOC does not agree to Defendant's proposed trainer and/or content, Defendant shall have seven (7) days to identify an alternate trainer and/or revise the content its trainer proposes to present. The EEOC shall then have seven (7) days from the date it receives the information described above to agree to or reject the alternate trainer and/or content. If the parties cannot agree on a trainer or training content through this process, they may seek the Court's assistance.

25. Defendant will maintain attendance records identifying in legible form the name and job title of the attendees at each session and also containing the signature of each attending, as well as copies of all training materials presented. Within seven (7) days of each training session, Defendant will provide the EEOC a copy of the attendance records and all materials use during the training session.

**MONETARY RELIEF**

26. The aggrieved individual, Mailloux, is not interested in accepting any monetary relief that the EEOC could recover on his behalf in this action.

27. Within thirty (30) days of the entry of this Decree, Defendant shall make a donation in the amount of \$15,000.00 to a charitable organization selected by the EEOC that addresses age discrimination or age-related employment opportunities. The name and mailing address of the charitable organization which the EEOC has selected as the recipient of the donation in the amount of \$15,000.00 is as follows:

AARP Foundation  
PO BOX 93207  
Long Beach, CA 90809-3207

Defendant shall provide proof of payment and of the organization's receipt of payment by emailing a copy of the check or confirmation of payment to the email addresses below:

Consent Decree Monitor  
EEOC Legal Unit  
33 Whitehall Street, 5<sup>th</sup> Floor  
New York, NY 10004  
Decreemonitor.nydo@eeoc.gov

and

Edumin Corrales, Trial Attorney  
U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
Two Gateway Center, Suite 1703  
283-299 Market Street  
Newark, NJ 07102  
edumin.corrales@eeoc.gov

28. If Defendant does not provide proof that payment due under this Decree was made in full and received by the charitable organization approved by the EEOC within the time periods described in Paragraph 27 ("Unpaid Amount"), then for each day, Defendant shall be required to

pay, in the manner set forth above, an amount equal to the greater of \$25.00 or 0.1% of the Unpaid Amount. If the selected charitable organization does not receive the payment described in Paragraph 27 in full on or before the thirty-first (31st) day following the entry of the Decree, Defendant shall be in default of this Decree and EEOC may proceed to enforce this Decree in court and seek any and all remedies available to it.

#### **TERM OF DECREE AND DISPUTE RESOLUTION**

29. This Decree will remain in effect for two (2) years from the date of entry, provided, however, that if, at the end of the term of the Decree, any disputes about compliance with the Decree remain unresolved (*see* Paragraph 30), the term of the Decree shall be automatically extended until such time as all such disputes have been resolved. This case may be administratively closed but will not be dismissed. The Decree will expire by its own terms at the end of the two-year term, without further action by the parties or the Court, unless the duration of this Decree has been extended automatically pursuant to this Paragraph or by other order of the Court.

30. If during the term of this Decree the EEOC believes that Defendant has failed to comply with any provision(s) of the Decree, the EEOC shall notify Defendant of the alleged non-compliance and shall afford Defendant fourteen (14) days to remedy the non-compliance or satisfy the EEOC that Defendant has complied. If Defendant have not remedied the alleged non-compliance or satisfied the EEOC that it has complied within ten (10) business days, the EEOC may apply to the Court for relief, including modification of this Decree or other relief that the Court determines to be appropriate.

31. No party will contest the validity of this Consent Decree or that the Court has jurisdiction to enforce this Decree and its terms for all purposes including, but not limited to, the entering of all orders, judgments and decrees as necessary to implement the relief provided herein



for the duration of this Decree. A breach of any term of this Decree by Defendant shall be deemed a substantive breach of this Decree for which EEOC may bring an enforcement action.

### **MISCELLANEOUS PROVISIONS**

32. Each party shall bear its own expenses, attorneys' fees, and costs.

33. The terms of this Decree are and shall be binding on the present and future directors, officers, managers, agents, successors and assigns of Defendant. At least twenty-one (21) days prior to any sale or other transfer of Defendant's business or sale or other transfer of all or a substantial portion of Defendant's assets, Defendant shall provide a copy of this Decree to any potential purchaser, potential transferee, or other potential successor.

34. When this Decree requires a certification by Defendant of any fact(s), such certification shall be made under oath or penalty of perjury by an officer or management employee of Defendant.

35. If the EEOC has notified Defendant in writing not less than thirty (30) days before the expiration of this Decree that Defendant is not in compliance with any of the terms of this Decree, Defendant's obligations under this Decree will not expire while any enforcement action concerning this Decree is pending.

36. The Court retains jurisdiction over this action during the duration of this Decree and will have all available powers to enforce this Decree, including but not limited to monetary sanctions and injunctive relief. The matter may be administratively closed but will not be dismissed during the duration of this Decree.

37. Defendant will not attempt to condition the receipt of individual relief upon an individual's agreement to: (a) maintain as confidential the terms of this Consent Decree; or (b) waive her statutory right to file a charge with any federal or state anti-discrimination agency.

APPROVED IN FORM AND CONTENT:

**FOR PLAINTIFF EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

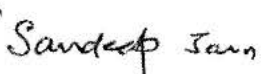
  
\_\_\_\_\_  
JEFFREY BURSTEIN  
Regional Attorney

KIMBERLY CRUZ  
Supervisory Trial Attorney


EDUMIN CORRALES  
Trial Attorney

U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
Two Gateway Center, Suite 1703  
283-299 Market Street  
Newark, NJ 07102  
T: (862) 338 - 9424  
edumin.corrales@eeoc.gov

**FOR DEFENDANT SOFTWARE PEOPLE, INC.,**

  
\_\_\_\_\_  
Senior Vice President of Defendant Software  
People, Inc.

**COUNSEL FOR DEFENDANT (as to form only)**

  
\_\_\_\_\_  
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Hauppauge, New York 11788  
Tel: (631) 979- 8808  
Fax (631) 787 - 8491  
PKATTY@optonline.net

The Clerk of Court is directed to close this case.

**SO ORDERED, ADJUDGED, AND DECREED** this 8th day of April 2022 at Central Islip, New York.

/s/ JOANNA SEYBERT  
U.S. District Judge, E.D.N.Y.

# **EXHIBIT A**



## **Anti-Discrimination Policy of Software People Inc.**

Software People Inc. (hereinafter 'Software People') is committed to maintaining a workplace free from any and all discrimination and retaliation. All employees are required to work in a manner that prevents discrimination in the workplace, be it discrimination based upon race, disability, gender age, sexual orientation or religion. This Policy is one component of Software People's commitment to a discrimination-free work environment. Such discrimination is against the law,<sup>1</sup> and all employees have a legal right to a workplace free from discrimination, and employees are urged to report discrimination or retaliation by filing a complaint internally with Software People. Employees can also file a complaint with a government agency or in court under federal, state or local anti-discrimination laws.

### **Policy:**

1. Software People's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Software People. In the remainder of this document, the term 'employees' refers to this collective group.
2. Discrimination will not be tolerated. Any employee or individual covered by this policy who engages in discrimination or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of discrimination, provides information, or otherwise assists in any investigation of a discrimination complaint. Software People will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected discrimination. Any employee of Software People who retaliates against anyone involved in a discrimination investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees<sup>2</sup> working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or Mr. Sandeep Jain, Senior Vice President of Software People. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Discrimination is offensive, is a violation of our policies, is unlawful, and may subject Software People to liability for harm to targets of discrimination. Those individuals that discriminate may also be individually subject to liability. Employees of every level who engage in discrimination, including managers and supervisors who engage in discrimination or retaliation or who allow such behavior to continue, will be penalized for such misconduct.

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<sup>1</sup> Discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity or expression, familial status, predisposing genetic characteristics, and criminal history.

<sup>2</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.



5. Software People will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about discrimination or retaliation, or otherwise knows of possible discrimination or retaliation occurring. Software People will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever discrimination or retaliation is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or retaliation.
6. All employees are encouraged to report any discriminatory or retaliatory actions or behaviors that violate this policy. Software People will provide all employees with a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are required to report any complaint that they receive, or any discrimination or retaliation that they observe or become aware of, to Sandeep Jain.
8. This policy applies to all employees, paid or unpaid interns, and non-employees, such as contractors, subcontractors, vendors, consultants or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

### **Regarding Retaliation**

Unlawful retaliation can be any action that could discourage a worker from coming forward to make a claim of discrimination. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in 'protected activity.' Protected activity occurs when a person has:

- made a complaint of discrimination, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving discrimination under the Human Rights Law or other anti-discrimination law;
- opposed discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of discrimination;
- reported that another employee has been subject to discrimination; or
- encouraged a fellow employee to report discrimination.

Even if the alleged discrimination does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of discrimination.

### **Reporting Discrimination**

Preventing discrimination and retaliation is everyone's responsibility. Software People cannot prevent or remedy discrimination unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute discrimination is encouraged to report such behavior to a supervisor, manager or Sandeep Jain. Anyone who witnesses or becomes aware of potential instances of discrimination should report such behavior to a supervisor, manager or Sandeep Jain.

Reports of discrimination may be made verbally or in writing. A form for submission of a written complaint will be provided, and all employees will be encouraged to use the complaint form. Employees who are reporting discrimination on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of discrimination may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### **Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected discrimination, observe what may be discriminatory behavior or for any reason suspect that discrimination is occurring, are required to report such suspected discrimination to Sandeep Jain.

In addition to being subject to discipline if they engaged in discriminatory conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected discrimination or otherwise knowingly allowing discrimination to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.



## **Complaint and Investigation of Discrimination**

All complaints or information about discrimination will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected discriminatory behavior will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected discrimination. Software People will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, Sandeep Jain will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If the complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).

- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported discrimination of the right to file a complaint or charge externally as outlined in the next section.

### **Legal Protections And External Remedies**

Discrimination and retaliation is not only prohibited by Software People but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Software People, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

#### **State Human Rights Law (HRL)**

New York State Human Rights Law (HRL), applies to all employers in New York State with regard to discrimination, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year (three years beginning Aug. 12, 2020) of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Software People does not extend your time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or



redress the damage caused, including the payment of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

### **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the discrimination. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

### **Local Protections**

Many localities enforce laws protecting individuals from discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).



# **EXHIBIT B**



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**New York District Office**

33 Whitehall Street, 5<sup>th</sup> Floor  
New York, NY 10004-2112  
For General Information: (800) 669-4000  
TTY: (800)-669-6820  
District Office: (929) 506-5270  
General FAX: (212) 336-3625

**NOTICE OF LAWSUIT AND SETTLEMENT**

This Notice is being posted as part of a Consent Decree settling a lawsuit brought by the U.S. Equal Employment Opportunity Commission ("EEOC") against Defendant Software People, Inc. ("Software People") in Federal court in the Eastern District of New York (Civil Action No. 21-cv-05380). In its lawsuit, the EEOC alleged that Defendant retaliated against an applicant for objecting and opposing a hiring practice that they believed was illegal under federal law.

Federal law prohibits employers from discriminating against or permitting the harassment of employees and applicants based on race, sex (including sexual orientation, gender identity, and pregnancy), disability, national origin, religion, color, age, or genetic information. Federal law also prohibits employers from retaliating against individuals who complain about or oppose discrimination or participate in any way in the processing of a complaint.

Defendant and its managers and supervisors agree to support and comply with Federal law prohibiting discrimination against or harassment of any employee or applicant for employment because of an individual's race, sexual orientation or disability.

Under the Consent Decree, Defendant agrees to:

1. Comply with Federal law and not discriminate against any employee or applicant on the basis of age or retaliate against any employee or applicant who opposes a hiring practice they perceive is unlawful;
2. Maintain and distribute written policies and procedures prohibiting discrimination and retaliation and enabling employees to file complaints;
3. Provide training on Federal laws prohibiting employment discrimination to all current and future employees;
4. Permit EEOC to monitor compliance with the Consent Decree;
5. Post and distribute this Notice; and
6. Make whole the individual who alleged harassment and constructive discharge.

Should you have a complaint of discrimination, follow Software People's policy for reporting such complaints, or you may contact the EEOC at:

U.S. Equal Employment Opportunity Commission  
New York District Office  
33 Whitehall Street, 5th Floor  
New York, New York 10004  
Phone: 1-800-669-4000

TTY (for hearing impaired): 1-800-669-6820 | ASL Video Phone (for hearing impaired): 1-844-234-5122  
Website: <http://www.eeoc.gov>

Dated: \_\_\_\_\_

**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE ALTERED OR DEFACED BY ANYONE OR COVERED BY ANY OTHER MATERIAL**

**This notice must remain posted for two (2) years from date shown above, and most not be altered, defaced, or covered by any other material. Any question concerning this Notice or compliance with its provision may be directed to the U.S. Equal Employment Opportunity Commission at the number listed above.**